

Overview of Municipal Boards and Commissions

From: League of Wisconsin Municipalities

Municipal Boards and Commissions

The state statutes provide for many different municipal boards and commissions. Some are mandatory while others are optional. Optional boards and commissions may be created at the discretion of the municipal governing body or must be created when the municipality chooses to engage in a particular activity. Typically, boards and commissions are established to supervise and manage special municipal activities. The membership, organization, and powers of municipal boards and commissions are set forth in the statutes authorizing their existence or creation.

Municipalities are not limited to statutory boards and commissions. Municipalities may also establish, by ordinance, other boards and commissions not contemplated by the statutes that are designed to address unique local concerns and interests.

Mandatory municipal boards and commissions include:

- Board of Police and Fire Commissioners — Sec. 62.13, Stats.
- Board of Review — Sec. 70.46, Stats.
- Zoning Board of Appeals — (Mandatory for any municipalities that have enacted zoning regulations.) Sec. 62.23(7)(e), Stats.
- Board of Election Officials — Sec. 7.30(4), Stats.
- Local Board of Health — (Required in cities located in counties with population of 500,000 or more.) Sec. 251.03(2), Stats.15

Optional municipal boards and commissions include:

- Plan Commission — Sec. 62.23(1), Stats.
- Library Board — Sec. 43.58, Stats.
- Board of Utility Commissioners — Sec. 66.0805, Stats.
- Board of Park Commissioners — Sec. 27.08, Stats.
- Board of Public Works — Sec. 62.14(1), Stats.
- Museum Board — Sec. 229.12 & 229.19, Stats.
- Ethics Board — Sec. 19.59(3)(d), Stats.
- Board of Estimates — Sec. 65.01 & 65.02(3), Stats.
- Airport Commission — Sec. 114.14(2), Stats.
- Board of Harbor Commissioners — Sec. 30.37, Stats.
- Civil Service Commission — Sec. 66.0509(4), Stats.
- Board of Public Land Commissioners — Sec. 27.11, Stats.
- Housing Authority Board of Commissioners — Sec. 66.1201(5), Stats.
- Redevelopment Board of Commissioners — Sec. 66.1333(3), Stats.
- Local Exposition District — Sec. 229.42, Stats.

POLICE AND FIRE COMMISSION

All cities having a population of 4,000 or more must have a board of police and fire commissioners.

Villages with their own police department, having a population of 5,000 or more and less than 5,500, according to the last federal census, may have a board of police commissioners or have a village board committee perform the board's function. Villages with a population over 5,500 must have a board of police commissioners, and villages over 5,000 with a joint police department with another municipality must have a joint board. Those villages whose population is 5,500 or more with their own or joint fire departments must have either

a separate or joint board of fire commissioners. At the discretion of the village, these separate boards may be combined into a board of police and fire commissioners.

The composition, method of selection, duties and responsibilities of the board of police and fire commissioners are established by state law and may not be altered by local enactment. The board of police and fire commissioners is a civil service body with exclusive jurisdiction over hiring, promotions, and the discipline (i.e., suspension or reduction in rank, suspension and reduction in rank, or termination) of police officers and fire fighters. Its primary functions are to provide for the selection of police and fire employees, including the chiefs of the departments, and to review disciplinary, discharge and promotional actions of the chiefs of the respective departments. It is autonomous from the governing body and other municipal officers with respect to its area of jurisdiction. However, the PFC does not have authority over the day-to-day operation of the police and fire departments unless it has been granted optional powers by the voters at a referendum.

A commission that has been granted optional powers has the additional authority to:

- * Organize and supervise the fire and police departments
- * Prescribe rules and regulations for controlling and managing the departments.
- * Contract for and purchase all necessary apparatus and supplies for the use of the departments.
- * Audit all bills, claims and expenses of the fire and police departments before such bill are paid by the municipal treasurer.

Only the electors at a referendum can grant optional powers. Placement on the ballot requires filing of a petition signed by not less than twenty percent of the total vote cast in the municipality for governor at the last general election. About fourteen police and fire commissions statewide have been granted optional powers.

BOARD OF REVIEW

All municipalities must have a board of review. The board is a quasi-judicial (i.e., court like) body that hears and decides appeals by property owners dissatisfied with the value placed upon their property by the municipal assessor for property tax purposes. The general powers, duties and practices of boards of review are described in secs. 70.46 through 70.48, Stats.

Boards of review have the following three primary duties:

- Adjust the assessor's valuation of a parcel when the assessment has been proven incorrect by sworn testimony at hearing before the board.
- Correct any errors or omissions in the descriptions or computations found on the assessment roll.
- Check the assessment roll for omitted property and double assessments.

BOARD OF PUBLIC WORKS

In cities, a department known as the board of public works, consisting of three commissioners, must exist. In second-class cities, commissioners are appointed by the mayor and confirmed by the council at its first regular meeting. In all other cities, the board consists of the city attorney, city comptroller and city engineer. By two-thirds vote the council may determine that the board of public works shall consist of other public officers or persons and provide for the election or appointment of the board members. Alternatively, by a two-thirds vote the council may dispense with the board and provide that the board's duties and powers be exercised by the council or a committee of the council or by such officer, officers or boards as the council shall designate.

No similar provision exists for villages except those that have adopted the alternative method of letting contracts. In these villages, the authority vested in the board of public works shall be exercised by the village board or as delegated by the board.

PLAN COMMISSIONS

Municipalities are allowed by state law to create plan commissions. The organization, powers and duties of plan commissions are set forth in sec. 62.23(1), Stats. (Note: Section 62.23 is made applicable to villages by sec. 61.65, Stats.) Plan commissions have numerous functions and duties relating to land use planning and zoning. They can also be delegated many other related responsibilities. The primary function of a plan commission is developing and recommending the initial adoption or amendment of a comprehensive plan. Plan commissions also play an important role in subdivision regulation. Indeed, the establishment of a plan commission is a prerequisite to the adoption of local subdivision ordinances. At a minimum, plats must be referred to the plan commission for consideration prior to final action by the governing body. In addition, the governing body can delegate to the plan commission the power to approve preliminary and final plats.

Plan commissions are extensively involved in zoning matters. When a municipality chooses to enact zoning regulations, the plan commission is required to prepare the ordinance and recommend adoption to the governing body. Plan commissions are also required to review and provide recommendations on amendments to the zoning ordinance. Plan commissions are also involved in special zoning issues, such as extra-territorial zoning and shoreland and wetland zoning.

With regard to the make-up of the plan commission, the governing body may, by ordinance, provide for any size and membership of the commission that it sees fit to establish. Absent an ordinance establishing a different membership, the statutes state that the plan commission is to consist of seven members appointed by the mayor (or village president in villages) and the mayor (village president) may choose the commission's presiding officer. In addition, the mayor (village president) may appoint himself or herself and other municipal elected or appointed officials to the plan commission. However, the commission must have at least three citizen members who are not municipal officials.

Appointments to the commission are to be made in April for three-year terms that expire in April. Appointments can be made at any other time if a vacancy occurs during the middle of a commissioner's term.

In cities, mayoral appointments to the plan commission are subject to confirmation by a majority vote of all members of the common council. A village president's appointments to the plan commission, however, are not subject to confirmation by the village board unless the village board has adopted an ordinance providing for board confirmation of such appointments.

ZONING BOARDS OF APPEAL

Any city or village that has enacted a zoning ordinance must have a board of zoning appeals. This board consists of five members appointed by the mayor or village president subject to confirmation by the common council or village board for terms of three years. The mayor or president must designate one of the members as chairperson. The mayor or president may also appoint two alternate members who have full power to act when a regular member of the board is absent or has refused to vote because of a conflict of interest.

The organization, general authorities and procedures of boards of appeals are described in sec. 62.23(7)(e), Stats. The zoning board of appeals serves as an appellate and review body for decisions of the municipal zoning administrator or building inspector. The board is authorized to grant variances to the terms of a zoning ordinance. In addition, the board may be granted authority to approve special exceptions or conditional uses in accordance with the provisions of the local zoning ordinance.

UTILITY COMMISSION

Cities and villages owning public utilities, such as water or sewer utilities, may create one or more boards of utility commissioners to manage and administer the utilities. Section 66.0805, Stats., describes the organization and powers of such boards. A board may consist of three, five, or seven commissioners who are elected by the

governing body. The board is authorized to take entire charge and management of the utility, to appoint a manager and determine the compensation of utility employees, and to supervise the operation of the utility under the general control and supervision of the governing body. The board is also authorized to command the services of the municipal engineer.

Municipal governing bodies may provide for the operation of a public utility by the board of public works or by another officer or officers, in lieu of a board of utility commissioners.

LIBRARY BOARD

Municipalities that establish public libraries must establish library boards to administer the libraries. The establishment and operation of public libraries is governed by ch. 43, Stats. The provisions most relevant to municipal library boards are found in sec. 43.52, Stats., (municipal libraries); sec. 43.54, Stats., (municipal library board composition); and sec. 43.58, Stats., (powers and duties of library boards).

Library boards in cities of the second or third class consist of nine members, although the common council may, by a two-thirds vote, reduce the number of members to seven. Library boards in cities of fourth class consist of seven members. Village library boards are composed of five members, although two additional members may be appointed so that the board has seven members. Members of the library board must be residents of the municipality, except that not more than two members may be residents of other municipalities. Up to two additional members may be appointed to a library board.

The mayor or village president, with the approval of the governing body, appoints members of the library board. Members are appointed for three-year staggered terms starting the third Tuesday in April in the year of appointment. One member of the library board must be a school district administrator or his or her representative. No more than one member of the municipal governing body may serve on the library board at any one time.

The library board has exclusive control of the expenditure of all moneys appropriated by the governing body or donated to the library fund. Although the library board has exclusive control of the moneys appropriated for the library fund, the board does not make actual disbursements from the appropriation. Rather, the board audits and approves vouchers for expenditures and forwards these to the municipal clerk, who follows the ordinary procedure for disbursing municipal funds.

The library board is authorized to receive, manage and dispose of gifts and donations for library purposes. When a gift or donation is made to a public library, library board members are considered special trustees of such property.

The library board has exclusive control and custody of all lands, buildings and other property given or granted to, or otherwise acquired or leased by, the municipality for library purposes. The library board may, if authorized by the governing body, have exclusive control over the purchase of a site and the erection of a library building. Otherwise, the municipal governing body, in the absence of a specific grant of authority to the library board, has the sole right to purchase or acquire sites or erect buildings for library purposes. However, in the case of a gift for a library building, the library board has the exclusive right to select and contract for the purchase of a site.

The library board has control over the hiring, firing and fixing of wages of library employees. Municipal governing bodies retain some control over the number of library employees and compensation paid to such employees by virtue of the fact that they control the purse strings. A municipality's ability to control the number of library employees and their salary by a reduction in funding is limited by the need to fund libraries at a level not lower than the average of the previous three years as required by state law to retain membership in a public library system and remain eligible for state funding.